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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 BRIT F. AUGBORNE, III,

Case No. 3:17-cv-00393-MMD-VPC

10 Plaintiff,

ORDER

v.

11 FILSON et al.,

12 Defendants.  
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14 **I. DISCUSSION**

15 On August 8, 2017, this Court dismissed Plaintiff's case without prejudice and  
16 entered judgment accordingly because Plaintiff failed to file a fully complete application  
17 to proceed *in forma pauperis* or pay the filing fee as directed by this Court's June 27, 2017  
18 order. (ECF No. 4, 5.) On August 14, 2017, Plaintiff filed a fully complete application to  
19 proceed *in forma pauperis*. (ECF No. 6.) On August 25, 2017, Plaintiff filed a letter  
20 "claiming excusable delay due to the fact that [he] had to wait for the six-month financial  
21 statement in order to submit the motion to proceed *in forma pauperis*." (ECF No. 7 at 1.)  
22 Plaintiff also states that he did submit the information prior to the 30-day period to prison  
23 officials pursuant to a brass slip. (*Id.*)

24 The Court construes Plaintiff's August 25, 2017 letter as a motion for  
25 reconsideration to reopen the case. The Court grants the motion for reconsideration,  
26 vacates the dismissal order, and reopens this case. The Court finds that the operative  
27 application to proceed *in forma pauperis* is located at ECF No. 6. The Court will screen  
28 Plaintiff's complaint in the future and issue a separate order. The screening process may

1 take several months.

2 **II. CONCLUSION**

3 For the foregoing reasons, it is ordered that Plaintiff's letter (ECF No. 7) is  
4 construed as a motion for reconsideration to reopen this case.

5 It is further ordered that the motion for reconsideration (ECF No. 7) is granted. The  
6 Clerk of the Court will vacate the dismissal order and judgment (ECF No. 4, 5) and reopen  
7 this case.

8 It is further ordered that the Court will rule on the application to proceed *in forma*  
9 *pauperis* (ECF No. 6) and screen the complaint (ECF No. 1-1) in a separate order.

10 DATED THIS 28<sup>th</sup> day of August 2017.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE